



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
KEITH WATERS,	:	
	:	17-CV-8258 (GHW) (RWL)
Petitioner,	:	
	:	
- against -	:	ORDER
LYNN LILLEY, Superintendent	:	
	:	
Respondent.	:	
-----X	:	

ROBERT W. LEHRBURGER, United States Magistrate Judge.

On November 18, 2019, Petitioner in this habeas corpus case filed a change of address from which a reasonable inference can be made that the Petitioner has been released from incarceration. (See Dkt. 20.) On May 4, 2020, the Court (by now retired Hon. Debra Freeman) issued an order that if Petitioner no longer wished to proceed with his petition, he should so inform the Court by May 15, 2020, and that if Petitioner did wish to proceed, he was to file a reply by June 12, 2020. (Dkt. 21.) The May 4, 2020 order further indicated that if Petitioner did not file a reply, the Court may resolve the motion based on the then current record. Petitioner has not filed anything on the record since his May 4, 2020 change of address. Nothing has transpired on the docket since then, other than appearance of new defense counsel, and notice of reassignment to myself.

Accordingly, by September 30, 2022, Respondent shall file a letter addressing whether law enforcement records show that Petitioner has been released from Respondent's custody, and, if so, whether the Petition can be dismissed as moot.

By October 28, 2022, Petitioner shall file a response, if any. Absent a response from Petitioner, the Court will proceed to resolve the matter based on the record then existing.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: September 16, 2022
New York, New York